

AMENDED IN ASSEMBLY APRIL 24, 2008
AMENDED IN ASSEMBLY APRIL 10, 2008
AMENDED IN ASSEMBLY MARCH 6, 2008
AMENDED IN ASSEMBLY JULY 16, 2007
AMENDED IN ASSEMBLY JUNE 27, 2007
AMENDED IN SENATE JUNE 4, 2007
AMENDED IN SENATE MAY 15, 2007

SENATE BILL

No. 606

Introduced by Senator Perata

February 22, 2007

An act to amend Section 52055.57 of, and to add Section 52055.56 to, the Education Code, relating to school district accountability, ~~and~~ making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 606, as amended, Perata. School district accountability.

(1) Existing law establishes the Immediate Intervention/Underperforming Schools Program, which invites schools that score below the 50th percentile on certain achievement tests to participate in the program, and provides specified funding to those schools. Existing law requires the Superintendent of Public Instruction to take specified actions with regard to a school that is state-monitored under this program if the school has not met certain growth targets.

The bill would require the Superintendent to prepare an annual report containing specified information relating to local educational agencies that are subject to corrective action. The bill would require the State

Board of Education to place the recommendations made by the Superintendent in this report on its agenda and to vote on these recommendations in a public meeting within 60 days of its receipt of the report. The bill would establish a procedure for the nomination and appointment of trustees for local educational agencies discussed in this report. The bill would authorize the Superintendent to contract with local educational agencies for, or otherwise provide for specified tools and procedures to assist local educational agencies that are subject to program improvement, prioritized, as specified, that will also be used to evaluate them. The bill would require the Superintendent to contract with an independent evaluator to prepare a comprehensive evaluation of local educational agencies in the 3rd year of federal Program Improvement, as specified.

(2) Existing law requires the State Department of Education to identify local educational agencies that are in danger of being identified within 2 years as program improvement local educational agencies under the federal No Child Left Behind Act of 2001, and to notify those local educational agencies, in writing, of this status and provide those local educational agencies with research-based criteria to conduct a voluntary self-assessment. Under existing law, a local educational agency that is identified for corrective action under the federal No Child Left Behind Act of 2001 is subject to one or more sanctions recommended by the Superintendent and approved by the state board, including a requirement to contract with a district assistance and intervention team to aid the local educational agency.

This bill would modify the actions required of, or sections applicable to, an identified local educational agency. *The bill would require a district assistance and intervention team to complete a report and make recommendations for corrective actions to be adopted by the local educational agency and would provide for an appeal procedure regarding the recommendations.*

~~The bill would delete the requirement that implementation of these intervention provisions is subject to the availability of funding in the annual Budget Act, would delete a 2-year maximum for funding of a local educational agency under these intervention provisions, would require that a local educational agency identified for corrective action be recommended for monitoring, assistance, or sanction, and would make technical and conforming changes.~~

The bill would delete the requirement that an appointed receiver or trustee, under these provisions, act in the place of the county

superintendent of schools or the governing board and would, instead would grant the trustee the authority to stay or rescind any action of the governing board or the superintendent of the local educational agency. ~~This~~ *The* bill would specify requirements for trustees and the scope of their work, as specified.

(3) The bill would appropriate the sum of \$47,000,000 from the Federal Trust Fund to the State Department of Education for the purposes of the bill.

(4) Because this bill would require local agencies to perform additional duties, it would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 52055.56 is added to the Education Code,
2 to read:
3 52055.56. (a) Commencing on the operative date of the act
4 that adds this section, the Superintendent shall submit an annual
5 report in accordance with this article. The report required by this
6 section shall include all of the following:
7 (1) A list of all local educational agencies identified for program
8 improvement under the federal No Child Left Behind Act of 2001
9 (20 U.S.C. Sec. 6301 et seq.).
10 (2) A list of all local educational agencies that may face program
11 improvement in the subsequent year.
12 (3) An update on ~~student~~ *pupil* achievement in local educational
13 agencies that were previously identified for program improvement
14 and remain in program improvement.
15 (4) Recommendations, pursuant to subdivision ~~(e)~~ (d) of Section
16 52055.57, to the state board for each district identified in paragraph
17 (1).

(b) (1) The Superintendent may require entities authorized to participate under Section 52055.57 to provide information to the department for the purposes of this section. The annual reports required by this section shall be submitted to the state board, the Legislative Analyst's Office, the Legislature, the Department of Finance, and impacted local educational agencies no later than January 1 of the appropriate year.

(2) The state board shall place the recommendations included in the report prepared under this section on its agenda; and vote on each of these recommendations at a public meeting within 60 days of its receipt of the report.

(c) ~~In the instances in which~~ If the Superintendent recommends, and the state board approves, the appointment of a trustee, the Superintendent shall select the candidate or candidates for trustee and the state board shall review and approve or disapprove the proposed appointment of the candidate or candidates. Once the state board approves the appointment of the trustee, he or she shall have 120 days to develop a plan, as required under paragraph (3) of subdivision (d), and present it to the Superintendent and the state board.

(d) Notwithstanding any other provision of law:

(1) No trustee shall be appointed under this section to a local educational agency to which Section 41329.51 is applicable.

(2) Except as set forth in paragraph (1), this article is applicable to ~~any~~ a trustee of a local educational agency who has been appointed to assist that agency pursuant to any provision of law, including, but not necessarily limited to, this section.

(3) A local educational agency shall not be assigned a trustee ~~prior to submission of a report by a district assistance and intervention team to the Superintendent, receipt of funding by the local educational agency for this purpose, and issuance of a recommendation from the Superintendent to the state board approving the assignment of a trustee.~~ before all of the following occur:

(A) *The district assistance and intervention team submits a report to the Superintendent.*

(B) *The local educational agency receives funding for this purpose.*

(C) *The Superintendent issues a recommendation to the state board for approval of the appointment of a trustee.*

(e) (1) Subject to the availability of funding, the Superintendent, in consultation with local educational agencies, may contract with one or more local educational agencies for, or may otherwise provide for, the development of any or all of the following. If funding is available that would not provide for each of these items, the Superintendent shall prioritize them, as follows: *following*:

(1)

(A) Measures of annual pupil growth and improvement in educational programs that also shall serve as indicators for local educational agencies, and that, if not met, may qualify the local educational agency for further corrective action as specified in Section 52055.57.

(2)

(B) A comprehensive list of guidelines to use as a guide to conduct a good educational program for all pupils, ~~and that will also~~ *and that also will* guide the Superintendent in making recommendations pursuant to Section 52055.57.

(3)

(C) Procedures that may be used by the department or local educational agencies to prepare evaluations and self-assessments, as provided in subdivision (c) of Section 52055.57.

(4)

(D) Programs and materials for the support and development of the administrative, academic, support, and teaching staff aids, and instruction for pupils who are eligible for funds under Title I of the federal No Child Left Behind Act of 2001.

(5)

(E) Programs and materials for the support and development of the administrative, academic, and support staff of a local educational agency.

(6)

(F) Materials and procedures that have been found to be effective in addressing the instructional needs of pupils enrolled in local educational agencies that are subject to program improvement and a protocol for statewide dissemination of these effective practices.

(2) *If funding is available that would not provide for each of the items listed in paragraph (1), the Superintendent shall prioritize those items.*

(f) The tools and procedures developed pursuant to subdivision (e) shall be used to evaluate local educational agencies subject to subdivisions (a) and (b) of Section 52055.57.

(g) The Superintendent shall contract with an independent evaluator to prepare a comprehensive evaluation of the implementation, impact, costs, and effectiveness of local educational agencies that received a corrective action by the *state* board in 2008 over a two-year period. An annual report shall be made to the Governor and the Legislature on or before February 1 of each year, followed by a final report that shall be made on or before June 30th. The independent evaluator, along with an advisory group appointed by the Superintendent, shall ensure that the evaluation, at a minimum, includes an examination of the following factors:

(1) Pupil performance data, including, but not limited to, results of assessments used to determine whether or not local educational agencies have made significant progress towards meeting their growth targets.

(2) Program implementation data, including, but not limited to, a review of startup activities, community support, parental participation, staff development, activities associated with implementation of the program, percentage of fully credentialed teachers, percentage of teachers who hold emergency credentials, percentage of teachers assigned outside their subject area of competence, the accreditation status of the school, if appropriate, average class size per grade level, and the number of pupils in a multitrack, year-round educational system.

(3) Pupil performance data and its impact on the Academic Performance Index (API), for each of the following subgroups:

(A) English language learners.

(B) Pupils with exceptional needs.

(C) Pupils who are eligible for funds under Title I of the federal No Child Left Behind Act of 2001.

(h) The evaluation shall be provided to the Legislature, the Department of Finance, and the Legislative Analyst on or before July 1, 2010.

SEC. 2. Section 52055.57 of the Education Code is amended to read:

52055.57. (a) (1) ~~Any provisions~~ *Provisions* that are applicable to local educational agencies under this section are for the purpose

1 of implementing federal requirements under the federal No Child
2 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.). The
3 satisfaction of these criteria by local educational agencies that
4 choose to participate under this article shall be a condition of
5 receiving funds pursuant to this section.

6 (2) The department shall identify local educational agencies
7 that are in danger of being identified within two years as program
8 improvement local educational agencies under the federal No Child
9 Left Behind Act of 2001, and shall notify those local educational
10 agencies, in writing, of this status and provide those local
11 educational agencies with research-based criteria to conduct a
12 voluntary self-assessment.

13 (3) ~~The local educational agency's~~ self-assessment *of the local*
14 *educational agency* shall identify deficiencies within the operations
15 of the local educational agency, and the programs and services of
16 the local educational agency.

17 (4) A local educational agency identified pursuant to paragraph
18 (2) is encouraged to revise its local educational agency plan based
19 on the results of the self-assessment.

20 (5) The program described in this subdivision shall be referred
21 to as the "Early Warning Program."

22 (b) (1) A local educational agency identified as a program
23 improvement local educational agency under the federal No Child
24 Left Behind Act of 2001 shall do all of the following:

25 (A) Conduct a self-assessment using materials and criteria based
26 on current research and provided by the department.

27 (B) No later than 90 days after a local educational agency
28 ~~becomes~~ *is* identified for program improvement, contract with a
29 county office of education or another external entity after working
30 with the county superintendent of schools, for both of the following
31 purposes:

32 (i) Verifying the fundamental teaching and learning needs in
33 the schools of that local educational agency as determined by the
34 local educational agency self-analysis, and identifying the specific
35 academic problems of low-achieving pupils, including a
36 determination of why the prior plan of the local educational agency
37 failed to bring about increased pupil academic achievement.

38 (ii) Ensuring that the local educational agency receives intensive
39 support and expertise to implement local educational agency reform

1 initiatives in the revised local educational agency plan as required
2 by the federal No Child Left Behind Act of 2001.

3 (C) Revise and expeditiously implement the local educational
4 agency plan to reflect the findings of the verified self-assessment.

5 (D) After consulting with the county superintendent of schools,
6 contract with or, arrange for ~~external~~ assistance with an external
7 provider for support, and implement recommendations to assist
8 the local educational agency in resolving shortcomings identified
9 in the verified self-assessment.

10 (2) (A) Subject to the availability of funds for this purpose, a
11 local educational agency described in paragraph (1) annually may
12 receive fifty thousand dollars (\$50,000), plus ten thousand dollars
13 (\$10,000) for each school that is supported by federal funds
14 pursuant to Title I of the federal No Child Left Behind Act of 2001
15 within the local educational agency, for the purpose of fulfilling
16 the requirements of this subdivision.

17 (B) Subject to the availability of funds appropriated for this
18 purpose, a local educational agency identified as a program
19 improvement local educational agency, shall receive priority for
20 funding based upon the performance of the socioeconomically
21 disadvantaged subgroup of the local educational agency on the
22 Academic Performance Index. Priority for funding shall be
23 provided to the lowest performing local educational agencies that
24 are identified as program improvement local educational agencies.

25 *(c) It is the intent of the Legislature that the Superintendent*
26 *shall consider the unique circumstances of each local educational*
27 *agency before making a recommendation, as provided in*
28 *subdivision (d). The unique circumstances of a local educational*
29 *agency may include, but are not limited to, its pupil population*
30 *and the pupil subgroups that have failed to meet the requirements*
31 *of the federal No Child Left Behind Act of 2001. In addition, the*
32 *Superintendent may consider the following:*

33 *(1) A local educational agency that, in the judgment of the*
34 *Superintendent, has conducted a satisfactory self-assessment,*
35 *prepared a plan, and is making satisfactory progress towards*
36 *improving its instructional program, shall be recommended for*
37 *state monitoring without further intervention.*

38 *(2) A local educational agency that, in the judgment of the*
39 *Superintendent, has conducted a self-assessment and needs*
40 *assistance to implement the plan, or revise and implement the plan,*

1 *may be recommended for intensive local assistance in consultation*
2 *with the county superintendent of schools with jurisdiction over*
3 *the local educational agency. A local educational agency that is*
4 *identified for intensive local assistance may be subject to*
5 *intervention strategies upon the recommendation of the county*
6 *superintendent.*

7 (3) *A local educational agency that, in the judgment of the*
8 *Superintendent, has failed to conduct a satisfactory self-assessment,*
9 *or prepare a plan, or that is unlikely to make satisfactory progress*
10 *to correct the conditions that caused the local educational agency*
11 *to be identified for corrective action, may be recommended for*
12 *state intervention.*

13 (e)

14 (d) (1) A local educational agency that has been identified for
15 corrective action under the federal No Child Left Behind Act of
16 2001, shall be subject to no more than one of the following
17 sanctions in a three-year period as recommended by the
18 Superintendent and approved by the state board:

19 ~~(1) A local educational agency that, in the judgment of the~~
20 ~~Superintendent, has conducted a satisfactory self-assessment,~~
21 ~~prepared a plan, and is making satisfactory progress towards~~
22 ~~improving its instructional program, shall be recommended for~~
23 ~~state monitoring without further intervention.~~

24 ~~(2) A local educational agency that, in the judgment of the~~
25 ~~Superintendent, has conducted a self-assessment and needs~~
26 ~~assistance to implement the plan, or revise and implement the plan,~~
27 ~~may be recommended for intensive local assistance under the~~
28 ~~supervision of the county superintendent of schools with~~
29 ~~jurisdiction over the local educational agency. A local educational~~
30 ~~agency that is identified for intensive local assistance may be~~
31 ~~subject to intervention strategies upon the recommendation of the~~
32 ~~county superintendent.~~

33 ~~(3) A local educational agency that, in the judgment of the~~
34 ~~Superintendent, has failed to conduct a satisfactory self-assessment,~~
35 ~~or prepare a plan, or that is unlikely to make satisfactory progress~~
36 ~~to correct the conditions that caused the local educational agency~~
37 ~~to be identified for corrective action, may be recommended for~~
38 ~~state intervention. A local educational agency that is recommended~~
39 ~~for state intervention pursuant to this paragraph may be subject to~~

1 ~~one or more of the following sanctions as recommended by the~~
2 ~~Superintendent and approved by the state board:~~

3 (A) Replacing local educational agency personnel who are
4 relevant to the failure to make adequate yearly progress.

5 (B) Removing schools from the jurisdiction of the local
6 educational agency and establishing alternative arrangements for
7 the governance and supervision of those schools.

8 (C) Appointing, by the state board, a trustee, with authority to
9 stay or rescind any action of the governing board or the
10 superintendent of the local educational agency.

11 (D) Abolishing or restructuring the local educational agency.

12 (E) Authorizing pupils to transfer from a school operated by
13 the local educational agency to a higher performing school operated
14 by another local educational agency, and providing those pupils
15 with transportation to those schools, in conjunction with carrying
16 out not less than one additional action described under this
17 paragraph.

18 (F) Instituting and fully implementing a new instructional
19 program consistent with state academic content and achievement
20 standards, including providing appropriate professional
21 development based on ~~scientifically-based~~ *scientifically based*
22 research for all relevant staff, that offers substantial promise of
23 improving educational achievement for all pupils.

24 (G) Deferring programmatic funds or reducing administrative
25 funds.

26 ~~(4)~~

27 (2) (A) In addition to the sanctions described in paragraph (1)
28 the Superintendent may recommend, and the state board may
29 approve, the requirement that a local educational agency contract
30 with a district assistance and intervention team or other entity to
31 provide it technical assistance.

32 ~~(B) Performance and progress of a local educational agency~~
33 ~~identified for corrective action under the federal No Child Left~~
34 ~~Behind Act of 2001 shall be evaluated by the Superintendent to~~
35 ~~determine the capacity of the district to correct the conditions that~~
36 ~~led the local educational agency to be identified and the availability~~
37 ~~of funding specifically appropriated for that purpose, and if~~
38 ~~recommended by the Superintendent and approved by the state~~
39 ~~board, the following may occur:~~

1 ~~(i) The state board may assign the local educational agency an~~
2 ~~approved district assistance and intervention team.~~

3 ~~(ii) The local educational agency may be required to select an~~
4 ~~approved district assistance and intervention team for the~~
5 ~~state-approved list.~~

6 ~~(iii) The local educational agency may be required to provide~~
7 ~~technical assistance to relevant staff in the local educational agency~~
8 ~~to remove the barriers that have led to the local educational agency~~
9 ~~being subject to corrective action.~~

10 ~~(iv) The local educational agency may be required to continue~~
11 ~~its actions.~~

12 ~~(C)~~

13 (B) Not later than 90 days after the assignment of a district
14 assistance and intervention team, the team shall complete an initial
15 report. The report shall include recommendations for corrective
16 actions chosen from a range of interventions, including the
17 reallocation of local educational agency fiscal resources *the fiscal*
18 *resources of the local educational agency* to ensure that appropriate
19 resources are targeted to those specific interventions identified in
20 the recommendations of the team for the local educational agency
21 and the targeted schools and other changes deemed appropriate to
22 make progress toward meeting annual measurable, objective
23 targets, and other criteria for adequate yearly progress, and other
24 activities to implement the state board sanction.

25 ~~(D)~~

26 (C) Not later than 120 days after assignment of the district
27 assistance and intervention team, the governing board of the local
28 educational agency shall adopt the report recommendations
29 described in subparagraph~~(C)~~ (B) at a regularly scheduled meeting
30 of the governing board. Any subsequent recommendations
31 proposed by the district assistance and intervention team shall be
32 submitted to the governing board and shall be adopted by the
33 governing board within 30 days of the submission. The governing
34 board shall not place the adoption on the consent calendar. The
35 report recommendations and ~~any~~ subsequent recommendations
36 adopted by the governing board pursuant to this subparagraph shall
37 be submitted to the Superintendent and the state board.

38 ~~(E)~~

39 (D) Following the adoption of the report recommendations and
40 any subsequent recommendations by the governing board of the

1 local educational agency pursuant to subparagraph~~(D)~~ (C), the
2 governing board may submit an appeal to the Superintendent for
3 relief from one or more of the recommendations not later than~~120~~
4 150 days after assignment of the district assistance and intervention
5 team. The Superintendent, with approval of the state board, may
6 grant relief from compliance with a recommendation of the district
7 assistance and intervention team. If a district assistance and
8 intervention team does not fulfill its legal obligations pursuant to
9 this section, the governing board of the school district may seek
10 permission from the Superintendent, with the approval of the state
11 board, to contract with a different district assistance and
12 intervention team, or another entity, to provide technical assistance.
13 Upon an evidence-based finding that the district assistance and
14 intervention team has not fulfilled its legal obligations pursuant
15 to this section, the Superintendent, with the approval of the state
16 board, may remove the district assistance and intervention team
17 from the state list of eligible providers.

18 ~~(F)~~

19 (E) If the local educational agency assigned to contract with a
20 district assistance and intervention team fails to implement the
21 corrective action required by the state board *pursuant to this*
22 *subdivision* or the recommendation of the district assistance and
23 intervention team, the team may recommend that the
24 Superintendent review the progress of the local educational agency
25 identified in this subdivision and the Superintendent may
26 recommend to the state board that it take further action.

27 ~~(5)~~

28 (3) Subject to the availability of funds in the annual Budget Act
29 for this purpose, if the state board requires a local educational
30 agency to contract with a district assistance and intervention team
31 pursuant to paragraph~~(4)~~ (2), the local educational agency annually
32 may receive fifty thousand dollars (\$50,000), plus ten thousand
33 dollars (\$10,000) for each school that is supported by federal funds
34 pursuant to Title I of the federal No Child Left Behind Act of 2001
35 within the local educational agency, for no more than two years,
36 for the purpose of contracting with and implementing the
37 recommendations of the district assistance and intervention team.

38 ~~(6)~~

39 (4) Not later than January 31, 2006, the Superintendent shall
40 develop and the state board shall approve, standards and criteria

1 to be applied by a district assistance and intervention team in
2 carrying out its duties. The standards and criteria shall include all
3 of the following areas:

4 (A) Governance.

5 (B) Alignment of curriculum, instruction, and assessments to
6 state standards.

7 (C) Fiscal operations.

8 (D) Parent and community involvement.

9 (E) Human resources.

10 (F) Data systems and achievement monitoring.

11 (G) Professional development.

12 ~~(H)~~

13 (e) If the Superintendent recommends, and the state board
14 approves, the appointment of a trustee pursuant to subparagraph
15 (C) of paragraph ~~(3)~~ (1) of subdivision ~~(e)~~ (d), the following
16 conditions shall apply:

17 (1) ~~Prior to the appointment of~~ *Before appointing* a trustee, the
18 Superintendent shall recommend to the state board the assignment
19 of a specific district assistance and intervention team to assess the
20 capacity of the local educational agency relative to governance,
21 academic issues, and fiscal and human resources. The district
22 assistance and intervention team shall submit a report to the
23 Superintendent for approval by the state board regarding the needs
24 of the local educational agency to have a trustee appointed.

25 (2) The Superintendent shall select the candidate or candidates
26 for trustee and the state board shall review and approve or
27 disapprove the proposed appointment of the candidate or
28 candidates. If a trustee is appointed to act on behalf of the
29 Superintendent, the trustee shall act in accordance with all of the
30 following:

31 (A) The trustee shall serve under the direction and supervision
32 of the Superintendent until terminated by the Superintendent at
33 his or her discretion. The Superintendent shall consult with the
34 county superintendent of schools before terminating the trustee.

35 (B) The trustee shall have recognized expertise in governance,
36 parent and community involvement, personnel, management,
37 finance, curriculum and instruction, and standards to improve
38 student achievement.

39 (3) The authority of the trustee to stay or rescind an action of
40 the county superintendent or governing board of the local

1 educational agency is limited to areas contained in the
2 self-assessment made pursuant to subdivision ~~(e)~~ of Section
3 ~~52055.57~~ (d).

4 (4) To facilitate the appointment of the trustee and the
5 employment of any necessary staff, for the purposes of this section,
6 the Superintendent is exempt from the requirements of Article 6
7 (commencing with Section 999) of Chapter 6 of Division 4 of the
8 Military and Veterans Code and Part 2 (commencing with Section
9 10100) of the Public Contract Code.

10 (5) Notwithstanding any other law, the Superintendent may
11 appoint a qualified individual to act as the trustee for up to the
12 duration of the trusteeship. During the tenure of his or her
13 appointment, the trustee, if he or she is an employee of the state
14 or of the office of the county superintendent of schools, is an
15 employee of the school district, but shall remain in the same
16 retirement system, under the same plan, that has been provided by
17 his or her employment with the state or the office of the county
18 superintendent of schools. Upon the expiration or termination of
19 the appointment, the employee shall have the right to return to his
20 or her former position, or to a position at substantially the same
21 level as that position, with the state or with the office of the county
22 superintendent of schools. The time served in the appointment
23 shall be counted for all purposes as if the administrator had served
24 that time in his or her former position with the state or with the
25 office of the county superintendent of schools.

26 (6) An individual who is appointed as a trustee by the
27 Superintendent pursuant to subparagraph (C) of paragraph (3) of
28 subdivision ~~(e)~~ shall be a member of the State Teachers' Retirement
29 System, if qualified, for the period of service as a trustee, unless
30 he or she elects, in writing, not to become a member. A person
31 who is a member or a retired member of the State Teachers'
32 Retirement System at the time of appointment shall continue to
33 be a member or a retired member of the system for the duration
34 of the appointment. If the trustee chooses to become a member,
35 or is already a member, the trustee shall be placed on the payroll
36 of the school district for the purpose of providing appropriate
37 contributions to the system. The Superintendent also may require
38 the trustee to be placed on the payroll of the school district for
39 purposes of remuneration, other benefits, and payroll deductions.

1 (7) For the purposes of workers' compensation benefits, the
2 trustee is an employee of the qualifying district, except that a
3 trustee ~~appointed pursuant to paragraph (4)~~ may be deemed an
4 employee of the state or office of the county superintendent of
5 schools, as applicable.

6 (8) The qualifying district shall add the trustee as a covered
7 employee of the school district for purposes of errors and omissions
8 liability insurance policies.

9 (9) The salary and benefits of the trustee shall be established
10 by the Superintendent and paid by the qualifying school district.

11 (10) The Superintendent or the trustee, on a short-term basis,
12 may employ, at district expense, any staff necessary to assist the
13 trustee.

14 (11) The Superintendent shall develop a scope of work for the
15 trustee based upon the recommendation made by the district
16 assistance and intervention team ~~pursuant to subparagraph (A) of~~
17 ~~paragraph (4)~~. The trustee may do all of the following:

18 (A) Implement substantial changes in the curricular policies
19 and practices of the district.

20 (B) Revise the educational program of the district.

21 (C) Consult, for the purposes described in this subdivision, with
22 the governing board of the school district, the exclusive
23 representative of the employees of the district, parents, the
24 community, and pupils.

25 (D) Consult with, and seek recommendations from, the
26 Superintendent and the county superintendent of schools.

27 (12) (A) Not later than 90 days after the selection of a trustee,
28 the trustee shall complete ~~an initial report that includes a report~~
29 ~~to the Superintendent on the implementation of~~ recommendations
30 made by the district assistance and intervention team ~~pursuant to~~
31 ~~subparagraph (A) of paragraph (4)~~ deemed appropriate to make
32 progress toward meeting annual measurable objective targets and
33 other criteria for adequate yearly progress, other activities to
34 implement the state board sanction, and criteria for the departure
35 of the trustee.

36 (B) Not later than 120 days after the selection of the trustee, the
37 governing board of the local educational agency shall adopt the
38 report recommendations described in subparagraph (A) at a
39 regularly scheduled meeting of the governing board. Any
40 subsequent recommendations proposed by the trustee shall be

1 submitted to the governing board and shall be adopted by the
2 governing board within 30 days of the submission. The governing
3 board shall not place the adoption on the consent calendar. The
4 report recommendations and any subsequent recommendations
5 adopted by the governing board pursuant to this subparagraph shall
6 be submitted to the Superintendent and the state board.

7 (C) Following the adoption of the report recommendations and
8 any subsequent recommendations by the governing board of the
9 local educational agency pursuant to subparagraph (B) the
10 governing board may submit an appeal to the Superintendent for
11 relief from one or more of the recommendations. The
12 Superintendent, with approval of the board, may grant relief from
13 compliance with a recommendation of the trustee.

14 (D) The trustee shall receive reports from the local educational
15 agency no less than three times during the year on the progress
16 towards meeting the goals established in the report pursuant to
17 subparagraph (A).

18 (13) ~~Any~~ *An* administrator or trustee appointed by the
19 Superintendent, with the approval of the state board, prior to the
20 date upon which this section goes into effect and becomes operative
21 is prohibited from exercising any authority in that capacity and
22 his or her services will be terminated within 10 days of the date
23 upon which this section goes into effect and becomes operative.

24 ~~(e)~~

25 (f) A local educational agency to which a corrective action has
26 been applied pursuant to subdivision ~~(e)~~ (d) and that has not exited
27 program improvement under the federal No Child Left Behind Act
28 of 2001 may be required by the Superintendent to appear before
29 the state board at any time within three years to review the progress
30 of the local educational agency. Upon hearing testimony and
31 reviewing written data from the local educational agency, the
32 community, parents, and pupils, and the district assistance and
33 intervention team or county superintendent of schools, the
34 Superintendent shall recommend, and the state board may approve,
35 ~~an alternative sanction under subdivision (e):~~ *additional technical*
36 *assistance.*

37 ~~(f)~~

38 (g) Based upon the progress of the local educational agency on
39 interim measures of academic and organizational improvement
40 defined in subdivision (e) of Section 52055.563, the contract for

1 a district assistance and intervention team or a trustee assigned to
2 work with a local educational agency may be terminated after no
3 fewer than two Academic Performance Index (API) reporting
4 cycles.

5 ~~(g)~~

6 *(h)* For purposes of this article, “local educational agency”
7 means a school district, county office of education, or charter
8 school that elects to receive its funding directly pursuant to Section
9 47651, and that provides public educational services to pupils in
10 kindergarten or any of grades 1 to 12, inclusive.

11 ~~(h) For purposes of this section, a “stakeholder” includes, but~~
12 ~~is not necessarily limited to, any of the following:~~

13 ~~(1) A parent or guardian of a pupil attending a school within~~
14 ~~the jurisdiction of the local educational agency.~~

15 ~~(2) An employee of the local educational agency, as selected~~
16 ~~by the bargaining unit.~~

17 ~~(3) A pupil attending school within the jurisdiction of the local~~
18 ~~educational agency.~~

19 ~~(i) Nothing in this article shall be construed to alter, abrogate,~~
20 ~~or to~~

21 *(i) This article does not alter, abrogate, otherwise affect the*
22 *rights, remedies, and procedures afforded school district employees*
23 *under any other state or federal law, or under the terms of a*
24 *collective bargaining agreement, memoranda of understanding, or*
25 *other agreement between a school district employee and his or her*
26 *employer.*

27 *(j) A local educational agency shall not receive funds pursuant*
28 *to subdivision (b) or ~~(e)~~ (d) if it initially identified for program*
29 *improvement or prevention after July 1, 2009.*

30 SEC. 3. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

35 SEC. 4. Notwithstanding Section 16361 of the Government
36 Code, forty-seven million dollars (\$47,000,000) is hereby
37 appropriated from the Federal Trust Fund to the State Department
38 of Education for local educational agencies identified for corrective
39 action in the 2007–08 fiscal year, pursuant to the federal No Child

1 Left Behind Act of 2001. The funds shall be distributed *on a*
2 *one-time basis* as follows:

3 (a) Two hundred twenty-five thousand (\$225,000) shall be
4 allocated to each local educational agency that is required by the
5 State Board of Education to contract with a district assistance and
6 intervention team pursuant to paragraph (2) of subdivision (c) of
7 Section 56055.57 of the Education Code.

8 (b) Seventy-five thousand dollars (\$75,000) shall be allocated
9 to each local educational agency that is required by the State Board
10 of Education to receive targeted technical assistance pursuant to
11 subparagraph (F) of paragraph (1) of subdivision (c) of Section
12 56055.57 of the Education Code.

13 (c) Eight hundred thousand dollars (\$800,000) for the evaluation
14 conducted pursuant to paragraph (3) of subdivision (b) of Section
15 52055.562 of the Education Code.

16 (d) One million two hundred thousand dollars (\$1,200,000) to
17 fund eight positions, and related expenses, necessary to administer
18 this act.

19 (e) The remaining funds shall be allocated to local educational
20 agencies, *as specified in subdivisions (a) and (b)*, on the basis of
21 an equal amount per pupil who is eligible for funds under Title I
22 of the federal No Child Left Behind Act of 2001 (20 U.S.C. Dec.
23 6301 et seq.) for the purposes of improving pupil achievement.
24 Local educational agencies that are required by the State Board of
25 Education to contract with a district assistance and intervention
26 team pursuant to paragraph (2) of subdivision (c) of Section
27 56055.57 of the Education Code shall, at a minimum, receive thirty
28 thousand dollars (\$30,000) for this purpose.

29 SEC. 5. If the United States Congress does not reauthorize the
30 federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
31 et seq.), a local educational agency that is not currently subject to
32 this act shall not become subject to its provisions.